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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2021 APR -7 PM 2:23

Robert McBerde

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

C&C Apartment Management, Luis Torres,
George Brandon, LEO Kelley, Seftimus
Bailey

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

Do you want a jury trial?

☒ Yes ☐ No

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

| | | |
|-----------------------------|------------------------------|----------------|
| <u>Robert</u> | <u></u> | <u>McBride</u> |
| First Name | Middle Initial | Last Name |
| <u>85-15 101 STREET AVE</u> | | |
| Street Address | | |
| <u>OZONE PARK</u> | <u>NY</u> | <u>11416</u> |
| County, City | State | Zip Code |
| <u>917 342 4938</u> | <u>SHAKER727@gmail.com</u> | |
| Telephone Number | Email Address (if available) | |

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

| | | |
|--------------|---------------------------------------|-------------------------|
| Defendant 1: | <u>LUIS TORRES</u> | <u>(Sole Intendant)</u> |
| | Name | |
| | <u>1735 PARK AVENUE Suite #300</u> | |
| | Address where defendant may be served | |
| | <u>New York</u> | <u>NY 10035</u> |
| | County, City | State Zip Code |
| Defendant 2: | <u>George Brandon</u> | <u>(Assist Scher)</u> |
| | Name | |
| | <u>1735 PARK AVENUE, Suite #300</u> | |
| | Address where defendant may be served | |
| | <u>New York</u> | <u>NY 10035</u> |
| | County, City | State Zip Code |

(CONTINUED ON NEXT PAGE)

continued:

B. Defendant Information

Defendant 3: SEPTIMUS BAILEY
1735 PARK AVENUE suite #300
New York, NY 10035

[Signature]
March 31/2021

Defendant 3:

Ivo Kellog (Property Manager)
 Name
15 Dunham Place
 Address where defendant may be served
Brooklyn, NY 11249
 County, City State Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

Robert McBride
 Name
33 Eagle St
 Address
Brooklyn NY 11233
 County, City State Zip Code

III. CAUSE OF ACTION

A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☐ race: _____
☐ color: _____
☒ religion: Muslim
☐ sex: _____
☒ national origin: American

- ☒ 42 U.S.C. § 1981, for intentional employment discrimination on the basis of race

My race is: Black American

- ☐ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

- ☐ Rehabilitation Act of 1973, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status

- ☐ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status

- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): _____

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

DURING EMPLOYMENT WITH CFC APARTMENT MANAGEMENT I EXPERIENCED
THE FIRST VIOLATION OF SEXUAL HARASSMENT BY LANDLORDS ON
7/17/17. (1) I WAS TRANSFERRED TO ANOTHER BLDG OF THE COMPLEX
BY CFC ADMINISTRATION. WHILE WORKING IN NEW BLDG I WAS
BEING HARASSED BY TENANTS WITH NEGATIVE COMMENTS. IN
WHICH IT BECAME A HOSTILE ENVIRONMENT FOR ME TO WORK IN
(3) I BROUGHT THESE ISSUES (CONTINUED ON SEPARATE PAGE)

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

IV. STATEMENT OF CLAIM

B. Facts

TO HUMAN RESOURCES & THE ADMINISTRATION
WITH NO POSITIVE RESULTS "THEY PLAY NONCHALANT".

(4) FINALLY, THE COMPANY POSTED ME ON SOCIAL
MEDIA AT WORK PLACE IN A NEGATIVE
WAY IN REGARDS TO MY RELIGION,
NATIONALITY AND CHARACTER; AND THEN
TERMINATED... ETC.

R. McBride
MARCH 31/2021

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 10/22/2020 - II 10205023

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice?

JANUARY 5/2021

When did you receive the Notice?

JANUARY 19/2021

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☒ direct the defendant to reasonably accommodate my religion

direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

① full MONEY compensation for all damages
 ② Terminate All employees from employment
 ③ Remove All social media link with apologies from All Defendants

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

| | | | |
|-----------------------------|----------------|------------------------------|--------------|
| <u>MARCH 31 / 2021</u> | | <u>R. M. Burke</u> | |
| Dated | | Plaintiff's Signature | |
| <u>Robert</u> | | <u>McBride</u> | |
| First Name | Middle Initial | Last Name | |
| <u>85-15 101 STREET AVE</u> | | | |
| Street Address | | | |
| <u>Ozone Park</u> | | <u>NY</u> | <u>11416</u> |
| County, City | | State | Zip Code |
| <u>917 342 4938</u> | | <u>SHAKUR722@gmail.com</u> | |
| Telephone Number | | Email Address (if available) | |

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Robert McBride**
85-15 101st Avenue
Ozone Park, NY 11416

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2020-00736

Holly M. Sirabazz,
State & Local Program Manager

(929) 506-5316

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



January 5, 2021

Enclosures(s)

Judy A. Keenan,
District Director

(Date Issued)

cc:

Attn: Director of Human Resources
C&C APARTMENT MANAGEMENT, LLC
1735 Park Avenue, Suite 300
New York, NY 10035

**FACTS ABOUT FILING
AN EMPLOYMENT DISCRIMINATION SUIT
IN FEDERAL COURT IN NEW YORK STATE**

You have received a document which is the final determination or other final action of the Commission. This ends our handling of your charge. The Commission's action is effective upon receipt. Now you must decide whether you want to file a private lawsuit in court. This fact sheet answers several commonly asked questions about filing a private lawsuit.

WHERE SHOULD I FILE MY LAWSUIT?

Federal District Courts have strict rules concerning where you may file a suit. You may file a lawsuit against the Respondent (employer, union, or employment agency) named in your charge. The appropriate court is the district court which covers either the county where the Respondent is located or the county where the alleged act of discrimination occurred. However, you should contact the court directly if you have questions where to file your lawsuit. New York State has four federal districts:

- The United States District Court for the Southern District of New York is located at 500 Pearl Street in Manhattan. It covers the counties of Bronx, Dutchess, New York (Manhattan), Orange, Putnam, Rockland, Sullivan and Westchester (212) 805-0136 <http://www.nysd.uscourts.gov>
- The United States District Court for the Eastern District of New York is located at 225 Cadman Plaza in Brooklyn and covers the counties of Kings (Brooklyn), Nassau, Queens, Richmond (Staten Island) and Suffolk (718) 613-2600 <http://www.nyed.uscourts.gov>
- The United States District Court for the Western District of New York is located at 68 Court Street in Buffalo. It covers the counties of Allegheny, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming and Yates (716) 332-1700 <http://www.nywd.uscourts.gov>
- The United States District Court for the Northern District of New York is located at 100 South Clinton Street in Syracuse and covers the counties of Albany, Broome, Cayuga, Chanango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Ulster, Warren and Washington. This District Court's pro Se Attorney has offices at 10 Broad Street in Utica New York (315) 234-8500 <http://www.nynd.uscourts.gov>

Your private lawsuit must be filed in U.S. District Court within 90 days of the date you receive the enclosed EEOC Notice of Right to Sue. Otherwise you will have lost your right to sue.

DO I NEED A LAWYER?

No you do not need a lawyer to file a private suit. You may file a complaint in federal court without a lawyer which is called a pro se complaint. Every district court has either a clerk or staff attorney who can assist you in filing pro se. To find out how to file a pro se complaint contact the clerk of the court having jurisdiction over your case who can advise you of the appropriate person to assist you and of the procedures to follow which may vary from district to district.

You may however wish to retain a lawyer if you choose. Whether you retain a private attorney or file pro se you must file your suit in the appropriate court within 90 days of receiving this mailing.

WHAT IF I WANT A LAWYER BUT I CAN'T AFFORD ONE?

If you can't afford a lawyer the U.S. District Court which has jurisdiction may assist you in obtaining a lawyer. You must file papers with the court requesting the appointment of counsel. You should consult with the office of the district court that assists pro se complainants for specific instructions on how to seek counsel. The appointment of counsel in any pro se complaint is always at the discretion of the court.

Generally the U.S. District Court charges a \$350.00 filing fee to commence a lawsuit. However the court may waive the filing fee if you cannot afford to pay it. You should ask the office of the District Court that assists pro se complainants for information concerning the necessary procedure to request that the filing fee be waived.

HOW CAN I FIND A LAWYER?

These are several attorney referral services operated by bar or other attorney organizations which may assist you in finding a lawyer and ascertaining and asserting your legal rights:

American Bar Association
(800) 285-2221 www.abanet.org

New York State Bar Association
(800) 342-3661 www.nysba.org

New York City Bar Association
Legal Referral Service
(212) 626-7373

National Employment Lawyers
Referral Service (212) 819-9450
<http://www.nelany.com/EN>

HOW LONG WILL THE EEOC RETAIN MY CASE FILE?

Generally the Commissions rules call for your charge file to be destroyed two (2) years from the date of a determination but time frames may vary. If you file suit and wish to request a copy of your investigative file you or your attorney should make the request in writing ASAP. If you file suit you or your attorney should also notify this office when the lawsuit is resolved.

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2021 APR -7 PM 2:34



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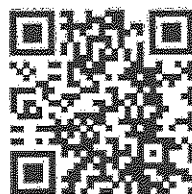


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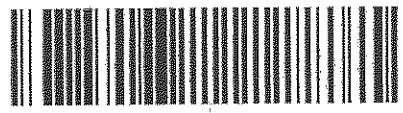
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